

SUBCHAPTER G : TRANSPORTERS AND TEMPORARY STORAGE PROVISIONS

§312.141. Transporters - Applicability and Responsibility.

(a) Rules contained in this subchapter establish standards applicable to persons, including municipalities, state and federal agencies, collecting, generating and/or transporting sewage sludge, water treatment sludge, domestic septage, chemical toilet waste, grit trap waste, or grease trap waste. This chapter also establishes standards applicable to persons and facilities who receive waste from transporters regulated under this subchapter. Methods of transportation shall include measures utilizing roadway, rail, and water.

(b) Transporters of waste subject to control under this subchapter shall only transport the waste types specified in subsection (a) of this section. Each transporter shall take reasonable precautions to ensure that waste handled in accordance with rules contained in this subchapter is not hazardous waste, as defined in Chapter 335 of this title (relating to Industrial Solid Waste and Municipal Hazardous Waste).

(c) The processing of wastes is not authorized under this subchapter, except for domestic septage under §312.144(e) of this title (relating to Transporters - Vehicle and Equipment).

(d) These rules are not applicable to persons transporting sewage sludge that meets the metal concentration limits in §312.43(b)(3), (Table 3) of this title (relating to Metal Limits), the requirements in §312.82(a) of this title (relating to Pathogen Reduction), and one of the requirements in §312.83(b)(1)-(8) of this title (relating to Vector Attraction Reduction) and has been approved for marketing and distribution as authorized in subchapter B of this chapter (relating to Land Application for the Beneficial Use).

§312.142. Transporter Registration.

(a) Persons who plan to transport sewage sludge, water treatment sludge, domestic septage, chemical toilet waste, grit trap waste, or grease trap waste regulated under this subchapter shall apply for registration with the commission on forms furnished by the executive director and receive a registration from the executive director prior to commencing operations.

(b) Failure to submit a complete and accurate application or other information requested by the executive director will result in the return of the application to the applicant. Applications for transportation registrations shall include:

- (1) a complete application form(s), signed and notarized, and appropriate copies provided;
- (2) the verified legal status of the applicant(s);
- (3) the signature of the applicant(s), checked against agency requirements, in accordance with §305.44 of this title (relating to Signatories to Applications);
- (4) the attachment of technical reports and supporting data required by the application; and
- (5) any other information as the executive director or the commission may reasonably require.

(c) Persons who apply to the commission for registration and receive a registration shall maintain a copy of the registration authorization, as annotated by the executive director with an assigned registration number, at their designated place of business and in each vehicle operated under that registration. This registration shall be produced and shown to the operator of the facility receiving the waste at the time of delivery.

(d) The expiration date of the registration shall be August 31 of the year in which it expires. Registrations are required to be renewed biennially prior to the expiration date. Application for renewal shall be submitted by June 15 of the year in which the registration expires. Any registrant shall notify the executive director in writing within 15 days of cessation of operation and request that the registration be cancelled, and request all forms and reports needed to report waste hauled during the period of registration.

(e) A new registration application is required to be submitted within 15 days of the following, whereupon the old registration number will be voided and the old registration cancelled:

- (1) change in ownership of the operating entity; or
- (2) determination by the executive director that operations or management methods are no longer adequately described by the existing registration; or
- (3) failure of the registrant to submit an annual summary report.

(f) Transporters shall notify the executive director, by letter, within fifteen (15) days of the following changes of their operation:

- (1) The office or place of business is moved or its address or telephone number changes;
 - (2) The name of the operating entity is changed; or
 - (3) A transporter plans to handle a waste not included in the existing registration.
- (g) The commission may revoke or void a registration for cause as provided in §312.150 of this title (relating to Penalties). An opportunity for a formal hearing on the revocation may be requested by the registrant within 20 days after a Notice of Revocation has been sent from the executive director to the last known address of the registrant. If the registration is revoked or voided, a transporter shall not continue to transport the wastes regulated under this subchapter.

(h) An applicant owing delinquent fees or an applicant who has failed to submit required reports will not be eligible to renew their registration to transport waste until all fees and reports are submitted and accepted by the executive director.

(i) A registrant failing to submit the annual summary report by the date due is subject to payment of the maximum fees specified in §312.9(c) of this title (relating to Sludge Fee Program).

(j) The commission will issue, beginning February 1, 1995, authorization stickers for all registered motor transport vehicles. The commission will charge a fee of ten dollars per motor transport vehicle.

§312.143. Transporters - Delivery Requirement and Full Pump-out Requirement.

Transporters shall deposit wastes at a facility designated by or acceptable to the generator where the owner or operator of the facility agrees to receive the wastes and the (Texas) facility has written authorization by permit or registration issued by the executive director to receive wastes. In this regard, "authorization by the executive director" means the executive director or commission has given its approval by rule, permit, letter, or other document that identifies the individual facility or class of facilities to receive that specific waste or class of waste. Each grit trap and grease trap pumped shall be fully evacuated unless the trap volume is greater than the tank capacity on the vacuum truck in which case the transporter shall arrange for additional transportation capacity so that the trap is fully evacuated within a 24 hour period. If a transporter cannot fully evacuate a grit trap or grease trap because the trap volume is greater than the tank capacity on the truck, the transporter shall arrange for additional transportation capacity to ensure the trap is fully evacuated within the 24-hour period following the transporter's inability to fully evacuate the trap.

Adopted February 5, 1997

Effective March 3, 1997

§312.144. Transporters - Vehicle and Equipment.

(a) Marking and identification. Owners or operators of specially equipped vacuum pump trucks, tanks, or containers used for the collection and/or over-the-road transportation of wastes regulated under this subchapter shall prominently mark such trucks, tanks, or containers to show the following:

- (1) company name;
- (2) telephone number;
- (3) authorization stickers (motor vehicles only); and
- (4) the commission assigned registration number on both sides of the vehicles or receptacle.

(A) The registration number shall be a minimum of two inches in height, in block numbers permanently affixed. The registration number must be clearly visible at a distance of 50 feet.

(B) The company name and phone number, authorization stickers, and the registration number shall be removed from the trucks, tanks, or containers, by the registrant, when it is no longer authorized by the commission or leaves the control of the person(s) holding the registration.

(b) Sanitation standards. All vehicles and equipment used for the collection and transportation of the wastes regulated under this subchapter shall be constructed, operated, and maintained to prevent loss of liquid or solid waste materials and to prevent health nuisance and safety hazards to operating personnel and the public. Collection vehicles and equipment shall be maintained in a sanitary condition to preclude nuisance conditions such as odors and insect breeding.

(c) Mixing of incompatible wastes. Mixing of incompatible wastes within the same container is prohibited. Transporters shall not use the same container or pumping equipment to collect or transport incompatible waste without first emptying and cleaning the container and equipment of all previously handled wastes. For purposes of this subsection, incompatible waste are wastes which have different processing,

storage, or disposal requirements. However, transporters may mix wastes with different characteristics provided the facility to which the waste is being transported is authorized to store, process, or dispose of such mixed wastes.

(d) Site gauges. All closed vehicles, tanks, or containers used to transport liquid wastes regulated by this subchapter shall have sight gauges maintained in a manner which can be used to determine whether or not a vehicle is loaded and the approximate capacity. Gauges are not required to read in gallons or liters, but shall show what percentage of the tank capacity is filled. An alternate method to measure actual volumes may be utilized with prior written approval from the Executive Director.

(e) Septage transport. If the vehicles, tanks, or containers are used to transport domestic septage to a beneficial use site, the registrant shall keep records showing how the domestic septage met the pathogen and vector attraction reduction requirements listed in §312.82(c) of this title (relating to Pathogen Reduction) and §312.83 of this title (relating to Vector Attraction Reduction). Copies of records pertaining to the pathogen and vector attraction reduction requirements shall be maintained on the vehicles for a minimum of one month and at the beneficial use site and transporter office for a minimum of five years.

(f) Discharge valves. All closed vehicles, tanks, or containers used to transport liquid wastes regulated by this subchapter shall prominently mark all discharge valves and ports. All discharge ports shall be visible and readily accessible.

(g) Inspection. All transport vehicles shall include, but are not limited to, trucks, portable tanks, trailers, barges, or similar transport vehicles/receptacles and are subject to inspection by commission staff authorized by the executive director. If a transport vehicle fails the inspection, the authorization sticker and the commission assigned registration number are to be removed from the vehicle and that vehicle is not authorized to transport waste until the vehicle is reinspected and passes.

§312.145. Transporters - Record Keeping.

(a) Trip tickets. Persons who collect and transport waste subject to control under this subchapter shall maintain a record of each individual collection and deposit. Such records shall be in the form of a trip ticket. Similar documentation may be used with written approval by the executive director. The trip ticket shall include:

- (1) name, address, telephone and commission registration number of transporter;
- (2) name, signature, address and phone number of the person who generated the waste and the date collected;
- (3) type and amount(s) of waste collected or transported;
- (4) name and signature(s) of responsible person(s) collecting, transporting, and depositing the waste;
- (5) date and place where the waste was deposited;

(6) identification (permit or site registration number, location, and operator) of the facility where the waste was deposited; and

(7) name and signature of facility on-site representative acknowledging receipt of the waste and the amount of waste received;

(8) the volume of the grease and grit trap or the septic tank.

(b) Maintenance of records and reporting.

(1) Trip tickets. Trip tickets shall be divided into five parts and records of trip tickets shall be maintained as follows:

(A) One part of the trip ticket shall have the generator and transporter information completed and be given to the generator at the time of waste pickup.

(B) The remaining four parts of the trip ticket shall have all required information completely filled out and signed by the appropriate party before distribution of the trip ticket.

(C) One part of the trip ticket shall go to the receiving facility.

(D) One part shall go to the transporter, who shall retain a copy of all trip tickets showing the collection and disposition of waste.

(E) One copy of the trip ticket shall be returned by the transporter to the person who generated the wastes within 15 days after the waste is received at the disposal or processing facility.

(F) One part of the trip ticket shall go to the local authority, if needed.

(2) Copies. Copies of trip tickets shall be retained for five (5) years and be readily available for review by commission's staff or be submitted to the executive director upon request.

(3) Rail or barge transport. Persons who transport waste via rail, or barge may use an alternate record keeping system if approved by the executive director.

(4) Submission of reports. By June 15th, transporters shall submit to the executive director an annual summary of their activities for the previous period of June 1 through May 31, showing the following:

(A) amounts and types of waste collected;

(B) disposition of such wastes; and

(C) amounts and types of waste delivered to each facility.

(c) Discrepancies. A facility which receives waste must note any significant discrepancies on each copy of the trip ticket.

(1) Trip ticket discrepancies are differences between the quantity or type of waste designated on the trip ticket, and the quantity or type of waste a facility actually received. Significant discrepancies in type are obvious differences which can be discovered by inspection or waste analysis. Significant discrepancies in quantity are:

(A) for bulk weight, variations greater than 10% in weight; and

(B) for liquid waste, any variation greater than 15% in gallons.

(2) Upon discovering a significant discrepancy, the transporter must attempt to reconcile the discrepancy with the waste generator or owner or operator of the receiving facility (e.g., with telephone conversations). If the discrepancy is not resolved within 15 days after delivering the waste, the transporter must immediately submit to the executive director a letter describing the discrepancy and attempts to reconcile it, and a copy of the trip ticket.

(d) Notification. A facility which receives waste from a transporter who cannot produce a registration acknowledgement pursuant to §312.142(c) of this title (relating to Transporter Registration) shall notify the appropriate Regional Office of the TNRCC within three days of the waste receipt of the transporters failure to produce a current registration authorization.

(e) Local ordinances. Where local ordinances require controls and records substantially equivalent to or more stringent than the requirements of subsection (a) of this section, transporters may use such controls and records to satisfy the commission's requirement under this section.

§312.146. Transporters - Discharge or Spills.

In the event of a discharge or spill of waste during collection or transportation, the collector or transporter must take appropriate action to protect human health and the environment, e.g., notify local law enforcement and health authorities; dike the discharge area; clean up any waste discharge that occurs during transportation; or take such action as may be required or approved by federal, state, or local officials having jurisdiction so that the waste discharge no longer presents a public health or environmental problem. Transporters are responsible for reporting spills to the executive director in accordance with requirements of the State of Texas Oil and Hazardous Substance Spill Contingency Plan and the Texas Water Code, Chapter 26.039.

§312.147. Temporary Storage.

(a) Transporters who store waste in a mobile closed container (container on wheels), shall not store the waste for more than 4 days.

(b) Transporters who temporarily store waste at a fixed or permanent site shall obtain approval in writing from the executive director prior to engaging in such activities. The storage site shall comply with the following standards:

- (1) The temporary storage of waste shall not exceed 30 days.
- (2) The use of lagoons and/or in-ground storage tanks are not authorized under the provision of this section.
- (3) If the waste is not stored in a closed vessel, the location of the storage site shall meet the buffer zone requirement in §312.44(d) of this title (relating to Management Practices).
- (4) The storage of waste shall not cause or contribute to the harm of a threatened or endangered species of plant, fish, or wildlife or result in the destruction or adverse modification of the critical habitat of a threatened or endangered species.
- (5) The waste shall be stored by a method and under conditions that prevent runoff and protect the quality of the surface water and groundwater.
- (6) The storage site shall not be located on land within a designated base flood zone (100-year floodplain).
- (7) A storage site location shall be selected and the site operated in a manner to prevent public health nuisances. Where nuisance conditions exist, the operator shall take necessary action to abate such nuisances.

§312.148. Secondary Transportation of Waste.

Persons who engage in the secondary transportation of waste (meaning receiving waste from other transporters and transporting the waste to a disposal, beneficial use, or processing site) shall transfer the waste at a commission's registered or permitted Type V transfer stations only.

§312.149. Interstate Transportation.

(a) Persons who engage in the transportation of wastes (subject to regulation under this subchapter) from Texas to other states or from other states to Texas, or persons who collect or transport such waste in Texas but have their place of business in another state, shall comply with all the requirements for transporters contained in §312.141 - §312.150 of this title (relating to Transporters and Temporary Storage Provisions). If such persons also engage in any activity of managing such wastes in Texas by storage, processing, beneficial use, or disposal, they shall follow the applicable requirements of this chapter for such activities.

(b) Prior to approval of a transporter registration by the executive director, persons who engage in the transportation of wastes (subject to regulation under this subchapter) from Texas to other states or from other states to Texas, shall submit to the executive director copies of authorization(s) that allow transportation and/or disposal of waste in another state(s), including the state in which the office or place of business is located.

§312.150. Penalties.

Failure of a transporter to properly and correctly maintain records, trip tickets, or other documents; or failure of a transporter to submit to the executive director correct information on the annual summary report or on an application for registration by the required due date; or unauthorized discharges of sewage sludge, water treatment sludge, domestic septage, chemical toilet waste, grit trap waste, or grease trap waste shall be sufficient cause for the commission to void the transporter's registration and authorization to transport such wastes. The commission may also take any other action authorized by law to secure compliance, including the assessment of administrative penalties or seeking of civil penalties as prescribed by law and the rules of the commission.